



State of Utah
Department of
Natural Resources

MICHAEL R. STYLER
Executive Director

Division of
Oil, Gas & Mining

JOHN R. BAZA
Division Director

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

Representatives Present During the Inspection:

Company Russell Hardy

OGM Karl Houskeeper Environmental Scientist III

Inspection Report

Permit Number:	C0150015
Inspection Type:	COMPLETE
Inspection Date:	Tuesday, January 22, 2008
Start Date/Time:	1/22/2008 11:00:00 AM
End Date/Time:	1/22/2008 2:00:00 PM
Last Inspection:	Tuesday, December 11, 2007

Inspector: Karl Houskeeper, Environmental Scientist III

Weather: Partly Cloudy, Temp. 15 Deg. F.

InspectionID Report Number: 1532

Accepted by: dhaddock *OK*

2/1/2008

Permittee: **CONSOLIDATION COAL CO**

Operator: **CONSOLIDATION COAL CO SESSER OPERATIONS**

Site: **EMERY DEEP MINE**

Address: **PO BOX 566, SESSER IL 62884**

County: **EMERY**

Permit Type: **PERMANENT COAL PROGRAM**

Permit Status: **ACTIVE**

Current Acreages

5,568.00	Total Permitted
62.50	Total Disturbed
	Phase I
	Phase II
	Phase III

Mineral Ownership

- ☒ Federal
☐ State
☐ County
☒ Fee
☐ Other

Types of Operations

- ☒ Underground
☐ Surface
☐ Loadout
☐ Processing
☐ Reprocessing

Report summary and status for pending enforcement actions, permit conditions, Division Orders, and amendments:

Permit Conditions: Emery Deep has one permit condition. The permittee must submit water quality data in an electronic format through the Electronic Data Input web site.

The Division found the information submitted relative to Citation #10005 deficient on October 31, 2007. The deficiencies were sent certified mail. Consol received notice by certified return receipt #7004 2510 0004 1824 9528 on November 5, 2007. Consol submitted additional information on November 9, 2007. The actual time remaining on the violation is 1 day. Consol requested more time by letter to John Baza, Division Director. Mr. Baza requested a clear and concise plan be submitted by January 25, 2008 in order to determine whether time would be granted or if a FTACO (Failure to Abate Cessation Order) would be issued.

Emery submitted a permit amendment to expand the 4th east storage yard and relocate the fence. The amendment is currently under review by the Division. During the inspection it was observed that the operator did not wait for approval from the Division and had already constructed the facilities. Citation #10018 was issued for Failure to receive a permit prior to mining and reclamation activities (see item #18).

Inspector's Signature: _____

Karl Houskeeper

Date Tuesday, January 22, 2008

Karl Houskeeper, Environmental Scientist III

Inspector ID Number: 49

Note: This inspection report does not constitute an affidavit of compliance with the regulatory program of the Division of Oil, Gas and Mining.

Permit Number: C0150015
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Inspection Continuation Sheet

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REVIEW OF PERMIT, PERFORMANCE STANDARDS PERMIT CONDITION REQUIREMENTS

1. Substantiate the elements on this inspection by checking the appropriate performance standard.
 - a. For COMPLETE inspections provide narrative justification for any elements not fully inspected unless element is not appropriate to the site, in which case check Not Applicable.
 - b. For PARTIAL inspections check only the elements evaluated.
2. Document any noncompliance situation by reference the NOV issued at the appropriate performance standard listed below.
3. Reference any narratives written in conjunction with this inspection at the appropriate performance standard listed below.
4. Provide a brief status report for all pending enforcement actions, permit conditions, Division Orders, and amendments.

	Evaluated	Not Applicable	Comment	Enforcement
1. Permits, Change, Transfer, Renewal, Sale	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Signs and Markers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Topsoil	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.a Hydrologic Balance: Diversions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.b Hydrologic Balance: Sediment Ponds and Impoundments	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.c Hydrologic Balance: Other Sediment Control Measures	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.d Hydrologic Balance: Water Monitoring	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.e Hydrologic Balance: Effluent Limitations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Explosives	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Disposal of Excess Spoil, Fills, Benches	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Coal Mine Waste, Refuse Piles, Impoundments	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Noncoal Waste	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Protection of Fish, Wildlife and Related Environmental Issues	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Slides and Other Damage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Contemporaneous Reclamation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Backfilling And Grading	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Revegetation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Subsidence Control	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Cessation of Operations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.a Roads: Construction, Maintenance, Surfacing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.b Roads: Drainage Controls	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Other Transportation Facilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Support Facilities, Utility Installations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
19. AVS Check	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. Air Quality Permit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
21. Bonding and Insurance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
22. Other	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1. Permits, Change, Transfer, Renewal, Sale

The current DOGM permit C/015/015 was issued effective 01/06/2006 and expires 01/08/2011.

-Certificate of Insurance policy number BOG 9377 215-04, issued 11/05/2007 and terminates 11/05/2008.

-UPDES permit UT-0022616 effective 12/01/2006 and expires @ midnight 11/30/2011.

-Air Quality permit DAQE-AN0229006-05, issued July 20, 2005.

-SPCC Plan dated 10/24/06. The Plan is P.E. certified, stamped, signed and dated by a Utah P.E.

2. Signs and Markers

The mine ID signs are in place and contain the required information.

4.b Hydrologic Balance: Sediment Ponds and Impoundments

The last sediment pond inspections were done on 11/28/2007. These inspections were for 2007 fourth quarter and 2007 Annual. The report was P.E. Certified on December 14, 2007. No problems were noted.

4.d Hydrologic Balance: Water Monitoring

Third quarter 2007 water monitoring is in the EDI website and has been uploaded. Water monitoring is current.

4.e Hydrologic Balance: Effluent Limitations

The discharge monitoring reports for November 2007 were reviewed. No parameters were exceeded.

7. Coal Mine Waste, Refuse Piles, Impoundments

Citation #10005 is still pending. The Division found the information submitted relative to Citation #10005 deficient on October 31, 2007. The deficiencies were sent certified mail. Consol received notice by certified return receipt #7004 2510 0004 1824 9528 on November 5, 2007. Consol submitted additional information on November 9, 2007. The actual time remaining on the violation is 1 day. Consol requested more time by letter to John Baza, Division Director. Mr. Baza requested a clear and concise plan be submitted by January 25, 2008 in order to determine whether time would be granted or if a FTACO (Failure to Abate Cessation Order) would be issued.

18. Support Facilities, Utility Installations

Emery submitted a permit amendment to expand the 4th east storage yard and relocate the fence. The amendment is currently under review by the Division. During the inspection it was observed that the operator did not wait for approval from the Division and had already constructed the facilities. The storage yard has been expanded and the fence has been relocated. Materials and equipment now occupy the new area. Citation #10018 was issued for Failure to receive a permit prior to mining and reclamation activities. The abatement time was given as 30 days to get this area approved, from the time the operator receives a response/determination from the Division on Task #2894.

20. Air Quality Permit

The Air Quality Permit Approval Order DAQE-AN0229006-05 was issued on July 20, 2005. The permit remains effective.

21. Bonding and Insurance

Bond #188617, May 3, 1991 and signed August 30, 2005. Bond amount was \$3,454,443.00 was revised to \$2,208,000.00 on July 23, 2004.